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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

9 DARREL W. VANDERGRIFF,

10 Plaintiff,

11 v.

12 LYNNE DELANO, et al.,

13 Defendants.  
14

CASE NO. C06-5062BHS

ORDER GRANTING  
DEFENDANT BARNES'S  
MOTION FOR SUMMARY  
JUDGMENT AND  
DEFENDANT FOULKES'S  
MOTION TO DISMISS

15 This matter comes before the Court on Defendant Barnes's Motion for Summary  
16 Judgment and Defendant Foulkes's Motion to Dismiss (Dkt. 136). The Court has  
17 considered the pleadings filed in support of the motion, Plaintiff's failure to respond, and  
18 the remainder of the file and hereby grants the motion for the reasons stated herein.


19 **I. BACKGROUND AND DISCUSSION**

20 On July 1, 2008, Jennifer Barnes and John Doe Foulkes<sup>1</sup> filed a joint motion  
21 seeking summary judgment and dismissal, respectively. Dkt. 136. On the same day,  
22 Plaintiff notified the Court of his change of address. Dkt. 137. The joint motion was  
23 served on Plaintiff at his most recent address. Dkt. 136 at 11. Nevertheless, Plaintiff has  
24 failed to respond to the motion, and the Court deems such failure an admission that the  
25 motion has merit. *See* Local Rule CR 7(b)(2).  
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27 <sup>1</sup> There is a discrepancy as to the spelling of this Defendant's name. The Court employs  
28 the spelling of Defendant Foulkes's counsel.

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**ORDERED** that Defendant Barnes's Motion for Summary Judgment and Defendant Foulkes's Motion to Dismiss (Dkt. 136) is **GRANTED**.

  
BENJAMIN H. SETTLE  
United States District Judge